

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2017 AUG 30 PM 3:35

UNITED STATES OF AMERICA

v.

DARIUS FIELDS (1)  
LAPORCHYA SHAVON POLLEY (2)

NO. 3:17-CR-388-M

(Supersedes Indictment  
Returned on July 25, 2017)

SUPERSEDING INDICTMENT

The Grand Jury Charges:

Count One

Acquiring a Firearm from a Licensed Firearms Dealer  
by False or Fictitious Statement  
(Violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2)

**Introduction**

At all times material to this Superseding Indictment:

1. 18 U.S.C. § 922(a)(6) makes it a crime for anyone to make a false or fictitious oral or written statement to a licensed firearms dealer in order to acquire a firearm. The elements of this offense are: (1) that the defendant made a false or fictitious oral or written statement while acquiring a firearm from a licensed firearms dealer; (2) that the defendant knew that the statement was false or fictitious; and (3) that the statement was intended or was likely to deceive the dealer about a material fact, that is, one which would affect the legality of the sale to the defendant. 18 U.S.C. § 2 punishes anyone who (1) commits an offense against the United States; (2) aids, abets, counsels, commands, induces, or procures another to commit an offense against the United States;

or (3) willfully causes an act to be done which if directly done by him or another would be an offense against the United States.

2. The term “firearm” means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosive. The term “firearm” also includes the frame or receiver of any such weapon, or any firearm muffler or firearm silencer, or destructive device. A statement is “false or fictitious” if it was untrue when made and was then known to be untrue by the person making it. A false statement is “likely to deceive” if the nature of the statement, considering all of the surrounding circumstances at the time it is made, is such that a reasonable person of ordinary prudence would have been actively deceived or misled.

3. Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) Form 4473, Firearms Transaction Record, must be completed by the prospective purchaser to affect the sale of a firearm from a licensed firearms dealer. Specifically, Question 11a requires the prospective purchaser to certify—under penalty of law—if he or she is “the actual transferee/buyer of the firearm(s) listed on this form,” which is a fact material to the lawfulness of the firearm sale. If a person purchases a firearm for someone else but claims that he or she is “the actual transferee/buyer of the listed firearm(s),” the firearm acquisition is called a “straw purchase” and this conduct is also called “lying-and-buying,” which is a violation of 18 U.S.C. § 922(a)(6).

4. DFW Gun Range, located at 1607 West Mockingbird Lane, Dallas, Texas, was a licensed firearms dealer within the meaning of Chapter 44, Title 18, United States

Code, at all times specified in this Superseding Indictment.

5. On or about May 31, 2017, in the Dallas Division of the Northern District of Texas, the defendants, **Darius Fields** and **LaPorchya Shavon Polley**, aiding and abetting one another, in connection with the acquisition of a firearm, to wit: a FN Herstal, model Five-seveN 5.7x28 millimeter handgun, bearing serial number 386308264, from DFW Gun Range, a licensed dealer of firearms within the meaning of Chapter 44, Title 18 United States Code, knowingly made a false and fictitious written statement to DFW Gun Range, which statement was intended and likely to deceive DFW Run Range, as to a fact material to the lawfulness of such sale of said firearm to **LaPorchya Shavon Polley** under Chapter 44 of Title 18, in that **LaPorchya Shavon Polley** did execute a Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) Form 4473, Firearms Transaction Record, to the effect that she was the actual buyer of said firearm, when in fact as **LaPorchya Shavon Polley** then knew that she was not the actual buyer of the firearm.

In violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2.

Count Two

False Statement with Respect to Information Required to be  
Kept in Records of a Licensed Firearms Dealer  
(Violation of 18 U.S.C. §§ 924(a)(1)(A) and 2)

6. All information alleged in the **Introduction** for Count One is incorporated herein.
7. 18 U.S.C. § 924(a)(1)(A) makes it a crime for anyone to make a false statement or representation with respect to the information required to be kept of a licensed firearms dealer under Chapter 44, Title 18, United States Code. The elements of this offense are: (1) that the defendant knowingly made a false statement or representation; (2) that the defendant made the statement or representation to a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code; and (3) that the statement or representation pertained to information that the law requires the licensed dealer to keep. Chapter 44, Title 18, United States Code, requires that a licensed firearms dealer keep in its records the name and address of the actual transferee/buyer of the firearm. Specifically, this information is recorded in Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) Form 4473, Firearms Transaction Record, which is a record kept by the dealer as required by law.
8. On or about May 31, 2017, in the Dallas Division of the Northern District of Texas, the defendants, **Darius Fields** and **LaPorchya Shavon Polley**, aiding and abetting one another, knowingly made a false statement and representation to DFW Gun Range, a person licensed under the provisions of Chapter 44 of Title 18, United States

Code, to be kept in the records of DFW Gun Range, in that **LaPorchya Shavon Polley** did execute a Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) Form 4473, Firearms Transaction Record, to the effect that she was the actual buyer of a FN Herstal, model Five-seveN 5.7x28 millimeter handgun, bearing serial number 386308264, whereas in truth and fact, she was not the actual buyer of this firearm.

In violation of 18 U.S.C. §§ 924(a)(1)(A) and 2.

Count Three

Convicted Felon in Possession of a Firearm  
(Violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2))

9. On or about June 29, 2017, in the Dallas Division of the Northern District of Texas, the defendant, **Darius Fields**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, a felony offense, did knowingly and unlawfully possess in and affecting interstate and foreign commerce a firearm, to wit: a Romarn/Cugir, model Draco, 7.62x39 millimeter handgun, bearing serial number DA9705-16RO; a FN Herstal, model Five-seveN 5.7x28 millimeter handgun, bearing serial number 386308264; and 32 rounds of FNH USA 5.7x28 millimeter ammunition.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

Forfeiture Notice  
(18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

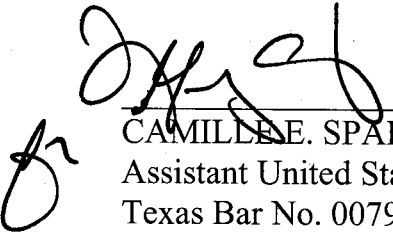
10. Upon conviction for the offense alleged in Counts One, Two, Three and Four of this Superseding Indictment, and pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), the defendants, **Daruis Fields** and **LaPorchya Shavon Polley**, shall forfeit to the United States of America any firearm and ammunition involved in the commission of the respective offense, including but not limited to the following:

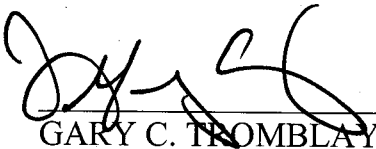
- (1) a Romarn/Cugir, model Draco, 7.62x39 millimeter handgun, bearing serial number DA9705-16RO;
- (2) one FN Herstal, model Five-seveN 5.7x28 millimeter handgun, bearing serial number 386308264; and
- (3) any ammunition recovered with the firearms.

A TRUE BILL

  
FOREPERSON

JOHN R. PARKER  
UNITED STATES ATTORNEY

  
CAMILLEE. SPARKS  
Assistant United States Attorney  
Texas Bar No. 00790878  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214-659-8600  
Facsimile: 214-659-8809

  
GARY C. TROMBLAY  
Assistant United States Attorney



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THE UNITED STATES OF AMERICA

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SUPERSEDING INDICTMENT

18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2  
Acquiring a Firearm from a Licensed Firearms Dealer  
by False or Fictitious Statement

18 U.S.C. §§ 924(a)(1)(A) and 2  
False Statement with Respect to Information Required to be  
Kept in Records of a Licensed Firearms Dealer

18 U.S.C. §§ 922(g)(1) and 924(a)(2)  
Convicted Felon in Possession of a Firearm

18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c)  
Forfeiture Notice

3 Counts

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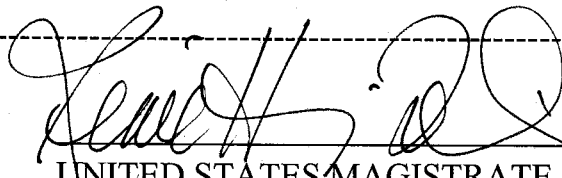
A true bill rendered

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DALLAS

FOREPERSON

Filed in open court this 30th day of August, 2017.

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**Defendant in Federal Custody since July 5, 2017 – Defendant Darius Fields (1).  
Warrant to be Issue – Laporchya Shavon Polley (2) In State Custody.**

A handwritten signature in black ink, appearing to read "L. H. [unclear]", is written over a horizontal line. The signature is stylized and cursive.

UNITED STATES MAGISTRATE JUDGE

Criminal Case Pending: 3:17-CR-00388-M